

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SANDPIPER CONDOMINIUM
COUNCIL OF CO-OWNERS, INC.
Plaintiff

v.

LEXINGTON INSURANCE COMPANY,
a Delaware Corporation,
Defendant

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Civil Action No. 2:18-CV-00414

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS

Pursuant to 28 U.S.C. §§ 1441 and 1446, and 28 U.S.C. § 1332(a), comes now defendant Lexington Insurance Company (“Lexington”) and, without waiving any objections to personal jurisdiction, service of process, or the sufficiency of service of process, hereby file this Notice of Removal of the above-captioned matter from the County Court At Law, Nueces County, to the United States District Court for the Southern District of Texas. In support of the removal, Lexington respectfully states:

1. Plaintiff alleges in its complaint that Lexington has breached a policy of insurance under which Plaintiff is insured by allegedly failing to pay Plaintiff’s full claim arising from Hurricane Harvey.

2. Service of the Summons and First Amended Petition was made on the Texas Department of Insurance on October 22, 2018. Lexington received the Summons and First Amended Petition on November 6, 2018. The Original Petition was never served on Lexington and no prior summons in this matter has been served on Lexington. Therefore, removal is timely.

3. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (a)(1).

4. Plaintiff's complaint does not identify the exact amount at issue in the litigation, but expressly alleges the amount at issue is greater than \$1 million. Therefore, the amount at issue herein exceeds \$75,000.

5. Plaintiff is a corporation incorporated under the laws of the State of Texas. Upon information and belief, its principal place of business is in Texas.

6. Defendant Lexington is a corporation incorporated under the laws of Delaware, with its principal place of business in Massachusetts.

7. There are no defendants other than Lexington.

8. Venue is proper in this Court because this is the district and division that embraces Nueces County, Texas, the jurisdiction in which Plaintiff brought the state court action.

9. Written notice of the filing of this notice shall be given to Plaintiff and a true copy of this notice will be filed with the Clerk of Nueces County Court No.3.

10. Attached hereto as Exhibit A is an index of the matters being filed.

11. Attached hereto as Exhibit B is a copy of the docket sheet from the state court.

12. There are no orders signed by the state court judge.

13. Attached hereto as Exhibit C is a copy of the executed Summons and First Amended Petition. There is no other executed process.

14. Attached hereto as Exhibit D is a copy of the Original Petition; it was never served.

15. Lexington has not yet responded to the First Amended Petition.

16. Attached hereto as Exhibit E is a list of all counsel of Record.

Dated: November 9, 2018

Respectfully submitted,

EGGLESTON & BRISCOE, LLP

By: /s/ *Raymond Gregory*

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Attorneys for Lexington Insurance Company

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on November 9, 2018.

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/s/ *Raymond Gregory*

Raymond L. Gregory II